



S/N 59/713,545

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Van Gelder Examiner: Leffers
Serial No.: 09/713,545 Group Art Unit: 1636
Filed: November 15, 2000 Docket: LBS-001Con3
Title: PROCESS FOR AMPLIFYING A TARGET POLYNUCLEOTIDE SEQUENCE
USING A SINGLE PRIMER-PROMOTER COMPLEX

TERMINAL DISCLAIMER
USPN 6,291,170

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Barbara J. Luther, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on August 17, 2005 (enclosed). I am making this petition on behalf of The Board of Trustees of Leland Stanford University, the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, the Board of Trustees of Leland Stanford University, certify that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 09/713,545) and to U.S. Patent No. 6,291,170. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Patent No. 5,545,522 was recorded on Reel 5201, Frames 516-518, with the United States Patent and Trademark Office and covers continuations including the 6,291,170 patent. The above-identified patent application (Serial No. 09/713,545) is also a continuation of U.S. Patent No. 5,545,522.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, The

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Board of Trustees of Leland Stanford University, seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,291,170. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,291,170 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,291,170 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

Fee Status

Funds in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer, are enclosed herewith. The Commissioner of Patents and Trademarks is

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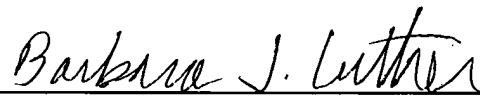
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hereby given the power to charge the account on the attached Credit Card Information and
Authorization for any additional fee or to credit any overpayment.

Respectfully submitted,
By their Representative,

Date Sept 7, 2005

By



Barbara J. Luther

Reg. No. 33,954

The Luther Law Firm
12198 E. Columbine Dr.
Scottsdale, AZ 85259
Tel: 480-275-8302
Fax: 480-275-8303

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of September, 2005.

Barbara J. Luther

Name

Signature

